

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

UNITED STATES OF AMERICA) DOCKET NO. 5:96CR015-4-V

vs.)

(4) CURTIS WINSTON FULLER)

**ORDER TO REDUCE TERM OF
IMPRISONMENT TO TIME SERVED**

BEFORE THE COURT is a motion filed by the United States of America and the Director of the Federal Bureau of Prisons pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), seeking a modification of the term of imprisonment of the defendant, Curtis Winston Fuller, to time served, and commencement of a ten-year term of supervised release previously imposed. The Court finds:

Title18, United States Code, U.S.C. § 3582(c)(1)(A)(I), provides that the Court, upon motion of the Director of the Bureau of Prisons, may modify a term of imprisonment upon the finding that extraordinary and compelling reasons exist to warrant a reduction.

Defendant Curtis Winston Fuller was convicted of Conspiracy to Possess With Intent to Distribute and Distribute Cocaine and Cocaine Base, in violation of 21 U.S.C. § 846. This Court sentenced defendant Fuller on May 22, 1998, to a 360-month term of imprisonment, followed by a ten-year term of supervised release. On November 18, 2010, the sentence was reduced to 292 months relative to the amended Guideline range.

Defendant Fuller's Good Conduct Time release date is January 5, 2019. It is not likely that defendant Fuller will survive to that date.

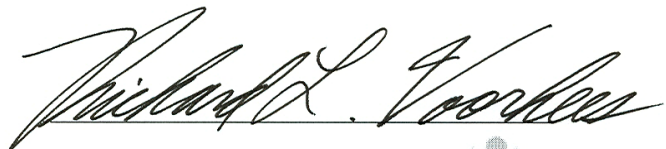
Defendant Fuller, age 55, is a paraplegic. He also suffers from hypertension, chronic anemia, hepatitis C, reflux disease, right hip disarticulation (amputation to the hip), and left leg amputation at the thigh due to chronic open wound osteomyelitis. He has suffered a decline in overall functioning over the last 18 months and is extremely debilitated and totally dependent on nursing staff. He is bed-bound most of the day but can remain upright for short intervals. He is dependent upon a wheelchair and requires assistance with all of his Activities of Daily Living. He is able to feed himself if food is brought to him and he is not cognitively impaired. His life expectancy is indeterminate, but his prognosis is poor.

The Director of the Bureau of Prisons contends, and this Court agrees, that the Defendant's now severely-debilitated medical condition and possible limited life expectancy constitute extraordinary and compelling reasons that warrant the requested reduction.

IT IS HEREBY ORDERED THAT:

- 1) The defendant's term of imprisonment is hereby reduced to the time he has already served;
- 2) The defendant shall be released from the custody of the Federal Bureau of Prisons as soon as his medical condition permits, the release plan is implemented, and travel arrangements can be made; and
- 3) Upon his release from the custody of the Federal Bureau of Prisons, the defendant shall begin serving the ten-year term of supervised release previously imposed.

Signed: March 29, 2012



Richard L. Voorhees
United States District Judge



SEALED DOCUMENT with access to Specified Parties/Defendants